

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Joel Ovil	Examiner:	Spooner, Lamont M
Serial No.:	10/613,146	Group Art Unit:	2626
Filed:	07/03/2003		
Title:	Method and Apparatus for Language Processing		

**ARGUMENTS SUBMITTED IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents

Sirs/Madames:

The following arguments are submitted in support of the attached: (1) Notice of Appeal, and (2) Pre-Appeal Brief Request For Review, in response to a Final Office Action dated December 15<sup>th</sup>, 2009. A response to the Final Office Action was due by March 15<sup>th</sup>, 2010. Applicant is concurrently filing a petition for a 3-month extension of time, accompanied by the required fees. Accordingly, this communication is being timely filed. Applicant respectfully requests the Panel's relief from the Examiner's erroneous and overreaching rejections of pending claims 1-27 and 39-53 based on a combination of unrelated and irrelevant references which when combined still fail to teach most of the recited limitations of the pending independent claims.

It is Applicant's position that the Examiner has erroneously rejected all the pending claims of the present Application based on either: (1) a clear misinterpretation of the cited references; and/or (2) improper inferences of teachings within the cited references, which inferred subject matter that is neither taught nor suggested anywhere in the cited prior art. Contrary to the Examiner's assertion, the combined teachings of all cited three references fail to teach or suggests all the limitations of independent claims 1, 14, 27 and 39. More specifically, Applicant respectfully asserts that the three cited references, either alone or in combination, neither teach nor suggest the limitation of using a **“user specific profile which is based on writing provided by the user” when suggesting alternative phrasing for writing the user is having analyzed**. Aside and apart from the fact that the Examiner has not shown any motivation to combine these references, it is not clear how one could combine

APPLICANT(S): Joel Ovil  
SERIAL NO.: 10/613,146  
FILED: 07/03/2003  
Page 2

the teachings of the primary (Volcani) and secondary (Carlgren) references with each other and with the teachings of the tertiary reference (Livowsky) to form a § 103 rejection. The Examiner admits that the teachings of the primary and secondary references neither teach nor suggest a **"user specific profile"** generated by an analysis of the user's own writing samples. He relies on the tertiary reference relating to database search query processing for the **"user specific profile"** limitation within a claims directed to methods and systems for language enhancement. However, even if using the tertiary (database query processing related) reference against a claim directed to language enhancement were proper, a careful reading of the tertiary reference also leads one to the conclusion that it fails to teach or suggest a **"user specific profile" generated by an analysis of the user's own writing samples, irrespective of whether it relates to language enhancement or not.** Instead, the Livowsky reference teaches a user profile for assisting in generation of databases search queries based on the user's prior similar queries – no mention or suggestion of a profile being based on provided writing samples.

More specifically, in the Final Office Action, the Examiner rejected:

- 1) Claims 1-27, 39-41 and 43-47 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al. (US 2003/0212655) in view of Carlgren et al. (US 4,456,973) and further in view of Livowsky (US 6,594,657).
- 2) Claim 42 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al., in view of Carlgren et al. and further in view of Livowsky, and further in view of Pickover et al. (US 2003/0130898).
- 3) Claims 48-52 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al., in view of Carlgren et al. and further in view of Livowsky, and further in view of Kinder et al. (US 2003/0212541).
- 4) Claim 53 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al., in view of Carlgren et al. and further in view of Livowsky, and further in view of Anderson et al. (US 5,678,053).

Yet, none of the three cited references teach a **"user specific profile" generated by an analysis of the user's own writing samples being used to enhance documents written by the user.** Accordingly, Applicant respectfully asserts that the Examiner has failed to establish a prima facie case of obviousness due to: (1) a failure to show any motivation or suggestion to combine the teachings of the three totally unrelated and references relating to different fields of endeavor, and (2) the absence of a key claim limitation, found in each of

APPLICANT(S): Joel Ovil  
SERIAL NO.: 10/613,146  
FILED: 07/03/2003  
Page 3

the pending independent claims, from the collective teachings of all three references. None of the cited references, alone or in combination, mentions or suggests “...**enhancing the text** by determining at least one alternate text portion **based on a user specific profile... wherein the user specific profile is based on writing provided by the user.**” The Examiner correctly states in his Final Office Action that both the Volcani and the Carlgren references fail to teach the limitation wherein **the user specific profile is based on the writing by the user**. However, the Examiner goes on to erroneously assert that “...*Livowsky teaches user specific profile based on writing by the user (C.2 lines 35-47 – his user query, in natural language, C.5 lines 26-44-his user created file, as his profile, indicated specific user unique writing style).*”. In this regard, Applicant respectfully submits that a complete reading of the Livowsky reference indicates that it teaches a **system and method for enhancing online search capabilities and not for enhancing language in a textual document**. To the extent the Livowsky reference mentions a user specific profile, irrespective of its search query purpose, it is a profile based on prior searches performed by a user, and not based on any writing (samples) provided by the user. **The Livowsky reference simply has nothing to do language enhancement – it relates to preprocessing of search queries.**

Applicant wishes to point the Panel’s attention to some portions from the Livowsky reference, relied upon by the Examiner in his attempt to cure the above stated admitted deficiencies of both the Volcani and the Carlgren references:

*“The natural language interface 316, which is coupled to the server computer 312, allows the operator to form the **queries** in a natural language form, rather than in conventional search terms. The natural language interface 316 processes the **queries and searches the database** 320 for an answer. The natural language interface 316 retrieves an answer from the database 320, and provides the answer to the operator through the server computer 312. The operator then relays the answer to the user”* (Livowsky; Column 3, lines 59-67)

Conversely, pending independent claims 1, 14, 27 and 39, respectively, recite:

- 1) “A method for language enhancement, comprising:  
    **receiving over a data network data representing text from a user;**  
    computationally **identifying grammatical constructs within the text;**  
    computationally **enhancing the text** by determining at least one alternate text portion **based on a user specific profile** for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression; and

- wherein the user specific profile is based on writing provided by the user.”
- 14) “A language enhancement apparatus, comprising:  
a memory for storing text from a user;  
a natural language parser for **identifying grammatical constructs within the text**;  
a natural language enricher for **enhancing the text** by determining at least one alternate text portion **based on a user specific profile** for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression; and  
wherein the user specific profile is based on writing provided by the user.”
- 27) “A computer-readable storage medium storing program code for causing a computer to perform the steps of:  
**receiving text from a user**;  
**identifying grammatical constructs within the text**;  
**enhancing the received text** by determining at least one alternate text portion **based on a user specific profile** for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion, and having substantially the same meaning as the original portion but conveying a different impression; and  
wherein the user specific profile is based on writing provided by the user.”
- 39) “A web service comprising:  
**receiving over a data network data representing a request including one or more sentences of natural language text**;  
algorithmically deriving at least one suggestion for **enhancing the one or more sentences based on a user specific profile**, the at least one suggestion-conveying a different impression but retaining substantially the same meaning, and **the user specific profile being based on writing provided by the user**; and  
returning a response including the at least one suggestion; wherein returning a response includes transmitting data over a data network, which data may be rendered by a client application to show text indicative of the response.”

As clear from a reading of the excerpts, the pending independent claims recite “...**enhancing the text** by determining at least one alternate text portion **based on a user specific profile**... wherein **the user specific profile is based on writing provided by the user**.” Furthermore, the enhanced text has the same grammatical construct as the original text. Whereas, Livowsky teaches “*an online support system and method using a natural language interface. The system can be used, for example, to obtain assistance in the installation and trouble-shooting of computers, appliances, and other consumer goods.*”.

APPLICANT(S): Joel Ovil  
SERIAL NO.: 10/613,146  
FILED: 07/03/2003  
Page 5

The preference file is **not used for enhancing language but rather for synonym and phonetic approximation** as discussed in Livowsky Column 5, lines 8-35, to assist in providing broader **search results**, **nor is the preference file based on writing samples provided by the user**. The database search query terms generated by Livowsy do not have to be, and by definition should not be, of the same grammatical construct as the original text input by a user of Livowsky. Thus, the addition of Livowsky as a prior art reference does not add any valid sustainable argument to uphold a § 103 rejection, and certainly does not add the limitation of a user specific profile which is based on writing provided by the user for the purpose of language enhancement.

In light of the foregoing remarks regarding the 103 rejections of the independent claims, Applicant respectfully asserts that all pending claims are novel and allowable.

Accordingly, Applicant respectfully requests the Panel's relief from the Examiner's overreaching rejections of all pending claims, and allowance of same.

Respectfully submitted,

/VKS/

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